

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHARLES CAMPBELL,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:25-cv-00574-SAB

ORDER DIRECTING PLAINTIFF TO FILE
AN OPPOSITION OR STATEMENT OF
NON-OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS

FOURTEEN DAY DEADLINE

On May 15, 2025, Plaintiff Charles Campbell, who is proceeding *pro se* and *in forma pauperis*, commenced this action under Title 42 of the United States Code, seeking review of a final decision of the Commissioner of Social Security. (ECF No. 1.)

On July 14, 2025, the Commissioner filed and served a motion to dismiss, arguing that this case should be dismissed because Plaintiff's administrative request for review remains pending with the Appeals Council. (ECF No. 8 at 7.)

Pursuant to the Court's May 16, 2025 scheduling order (ECF No. 5), Plaintiff's opposition was due fourteen days after service of the motion, or July 31, 2025.¹ No opposition has been filed and the time to do so has expired. However, after Defendant filed its motion to dismiss, Plaintiff filed a consent form to magistrate judge jurisdiction (ECF No. 12), a request to

¹ The Court computes the three-day added period to the fourteen-day deadline in consideration of the *pro se* Plaintiff's exemption from electronic filing. See Fed. R. Civ. P. 6(d) ("When a party may or must act within a specified time after being served and service is made under Rule 5(b)(2)(C) (mail)... 3 days are added after the period would otherwise expire under Rule 6(a).").

1 allow electronic filing (ECF Nos. 14, 16), and a 271-page document entitled “Exhibit [*sic*] 14
2 Referals [*sic*]”² (ECF No. 15). Given these recent filings, it appears Plaintiff intends to prosecute
3 this action despite failing to file an opposition to Defendant’s motion to dismiss. The Court shall
4 afford the pro se Plaintiff an additional opportunity to file a response.

5 Accordingly, IT IS HEREBY ORDERED that within **fourteen (14) days** from the date of
6 entry of this order, Plaintiff SHALL file an opposition or statement of non-opposition to
7 Defendant’s motion to dismiss (ECF No. 8). Failure to timely comply with this order will be
8 construed as a non-opposition to Defendant’s motion to dismiss.

9
10 IT IS SO ORDERED.

11 Dated: **August 7, 2025**



STANLEY A. BOONE
United States Magistrate Judge

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28 ² The 271-page document consists of a cover page and medical documentation. Given no argument is contained within, the Court does not construe it as an opposition to Defendant’s motion to dismiss.